

**DETAILED ACTION**

***Response to Arguments***

Applicant's response filed **26 September 2008** has been fully considered.

**Claims 1-8 and 12-23** are pending: **claims 2-3 and 5-6** are original, **claims 4, 8, 14-15, 17, 2—22** are as previously presented, **claims 1, 12-13, 16, 18-19 and 23** are amended and **claims 9-11 and 24-25** are canceled.

The objection of **claim 19** for informalities is withdrawn as a result of Applicant's amendments.

The 35 U.S.C. 101/112 rejection of **claim 23** is withdrawn as a result of Applicant's amendments.

The rejections of **claims 12, 16 and 18-20** under 35 U.S.C. 112, second paragraph, are withdrawn as a result of Applicant's amendments.

Applicant's arguments, see page 8, with respect to **claims 1-10, 13 and 17-23** have been fully considered and are persuasive. As such, the 35 U.S.C. 102 (b) rejection(s) of **claims 1-10, 13 and 21** over Kurosawa et al. (US PG Pub 2002/0022037) and of **claims 1-9 and 17-23** over Dupont et al. (US 6,897,189) have been withdrawn.

Applicant's arguments, see page 9, with respect to **claims 1, 4-5 and 9-16** under 35 U.S.C. 103(a) as being unpatentable over Bijsterbosch et al. (US 6,248,710) in view of Clarke et al. (US 6,251,850) have been fully considered and are persuasive. The rejection of **claims 1, 4-5 and 9-16** has been withdrawn.

#### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Alan Bornstein on **11 December 2008**.

The application has been amended as follows:

In claim 12, line 1, "claim 9" has been substituted by "claim 2".

The following is an examiner's statement of reasons for allowance: The closest prior art of record, Cooper et al. (US 7,297,672), Hunter et al. (US 6,939,842) and Carvell et al. (US PGPub 2004/0152621) teach the combination of a substituted polysaccharide and a silicone polymer. Cooper et al., Hunter et al., and Carvell et al. all teach the instant silicone polymer with a viscosity of >2,500 mPa·s (Cooper et al., see col 3 ln 45 to col 4 ln 14; Hunter et al., see col 3 ln 65 to col 4 ln 35; Carvell et al., see [0013]-[0024]). Cooper et al., Hunter et al. and Carvell et al. teach the polysaccharides substituted with silicones by a non-hydrolysable bond, however, they also require the presence of a textile benefit agent on the polysaccharide that undergoes a chemical change in water at the use temperature, i.e. are hydrolyzed, to increase the affinity of the substituted polysaccharide to a substrate (Cooper et al., see col 10 ln 23 to col 11 ln 65; Hunter et al., see abstract and see also col 8 ln 10 to col 9 ln 45; Carvel et al., see

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[0103]-[0124]). It is noted in the instant specification that "By non-hydrolysable polysaccharide is meant that the polysaccharide does not contain a deposition enhancing group which undergoes a chemical change under conditions (including temperature) of use to increase the affinity of the polysaccharide to a substrate" and further that "these conditions can include, elevated pH and/or temperatures above ambient" (see original specification, page 5, 4<sup>th</sup> paragraph).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### ***Correspondence***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JANE L. STANLEY whose telephone number is (571)270-3870. The examiner can normally be reached on Monday-Thursday, 7:30 am - 5 pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Eashoo can be reached on (571) 272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark Eashoo/  
Supervisory Patent Examiner, Art Unit 1796

/JLS/